

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application

Inventor(s): Charles Fritter et al.

SC/Serial No. 10/618,401

Filed: July 11, 2003

Title: COMPOSITE ABSORBENT PARTICLES

**PATENT APPLICATION**

Art Unit: 3644

Examiner: K. S. Smith

Oakland, California 94623

June 12, 2006

Mail Stop: Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Examiner Smith:

In response to the Office Action mailed May 19, 2006 (Notice of Non-Compliant Amendment), please enter the following amendments (which include a complete listing of the text of all withdrawn claims) and consider the following remarks.

The shortened statutory response date to the Office Action dated May 19, 2006, has expired. Applicants wish to extend the time for such response one month. The due date for response would then be July 19, 2006. Please charge the fee of \$120.00 for said extension to Deposit Account No. 03-2270 (37 C.F.R. §1.17(a)(2)). Please charge any additional fees, and credit any over payments, to said Deposit Account

*AMENDMENTS IN THE CLAIMS* begin on page 2 of this paper.

*REMARKS* begin on page 17 of this paper.

## AMENDMENTS IN THE CLAIMS

### **Listing of Claims**

1-108. Cancelled.

109. (Withdrawn) A composite particle, comprising:

an absorbent material formed into a particle; and

at least one performance-enhancing active added to the absorbent material.

110. (Withdrawn) A composite particle as recited in claim 109, wherein the absorbent material is a liquid-absorbing material and is selected from a group consisting of: a mineral, fly ash, absorbing pelletized material, perlite, silica, organic materials, and mixtures thereof.

111. (Withdrawn) A composite particle as recited in claim 110, wherein the absorbent material is a mineral selected from a group consisting of: bentonite, zeolite, montmorillonite, diatomaceous earth, opaline silica, Georgia White clay, sepiolite, calcite, dolomite, slate, pumice, tobermite, marls, attapulgite, kaolinite, halloysite, smectite, vermiculite, hectorite, Fuller's earth, fossilized plant materials, expanded perlite, gypsum, and mixtures thereof.

112. (Withdrawn) A composite particle as recited in claim 109, wherein the absorbent material comprises sodium bentonite granules having a mean particle diameter of about 5000 microns or less.

113. (Withdrawn) A composite particle as recited in claim 112, wherein the absorbent material comprises sodium bentonite granules having a mean particle diameter of about 3000 microns or less.

114. (Withdrawn) A composite particle as recited in claim 112, wherein the absorbent material comprises sodium bentonite granules having a mean particle diameter in the range of about 25 to about 150 microns.

115. (Withdrawn) A composite particle as recited in claim 109, wherein the added performance-enhancing active includes at least one of an antimicrobial, an odor reducing material, a binder, a fragrance, a health indicating material, a color altering agent, a dust reducing agent, a nonstick release agent, a superabsorbent material, cyclodextrin, zeolite, activated carbon, a pH altering agent, a salt forming material, a ricinoleate and mixtures thereof.

116. (Withdrawn) A composite particle as recited in claim 109, wherein a performance-enhancing additive is sprayed onto the particles.

117. (Withdrawn) A composite particle as recited in claim 109, wherein granules of a performance-enhancing additive are dry-blended with the particles.

118. (Withdrawn) A composite particle as recited in claim 109, wherein the performance-enhancing active comprises a boron-containing compound.

119. (Withdrawn) A composite particle as recited in claim 118, wherein the boron containing compound is present in an antimicrobially effective amount, wherein the boron containing compound is selected from a group consisting of borax pentahydrate, borax decahydrate, boric acid, polyborate, tetraboric acid, sodium metaborate, anhydrous, boron components of polymers, and mixtures thereof.

120. (Withdrawn) A composite particle as recited in claim 109, wherein the performance-enhancing active inhibits the formation of odor, the active comprising a water soluble metal salt selected from a group consisting of: silver, copper, zinc, iron, and aluminum salts and mixtures thereof.

121. (Withdrawn) A composite particle as recited in claim 109, wherein the performance-enhancing active is present in an effective amount.

122. (Withdrawn) A composite particle as recited in claim 109, wherein the performance-enhancing active is activated carbon.

123. (Withdrawn) A composite particle as recited in claim 122, wherein the activated carbon is present in about 5 weight percent or less based on a weight of the composite particle.

124. (Withdrawn) A composite particle as recited in claim 122, wherein the activated carbon is present in about 1 weight percent or less based on a weight of the composite particle.

125. (Withdrawn) A composite particle as recited in claim 122, wherein the activated carbon has a mean particle diameter of about 5000 microns or less.

126. (Withdrawn) A composite particle as recited in claim 122, wherein the activated carbon has a mean particle diameter of about 1500 microns or less.

127. (Withdrawn) A composite particle as recited in claim 122, wherein the activated carbon has a mean particle diameter of about 50 microns or less.

128. (Withdrawn) A composite particle as recited in claim 109, wherein the at least one performance-enhancing active is substantially homogeneously dispersed throughout at least a portion of the absorbent material.

129. (Withdrawn) A composite particle as recited in claim 109, wherein the at least one performance-enhancing active is physically dispersed in at least one layer.

130. (Withdrawn) A composite particle as recited in claim 109, wherein the performance-enhancing active is physically dispersed in pockets in the particle.

131. (Withdrawn) A composite particle as recited in claim 109, wherein the performance-enhancing active is physically dispersed in at least one position selected from along surfaces of the particle and contained within pores of the particle.

132. (Withdrawn) A composite particle as recited in claim 109, further comprising an absorbent core, the absorbent material being coupled to the core.

133. (Withdrawn) A composite particle as recited in claim 109, further comprising a non-absorbent core, the absorbent material being coupled to the core.

134. (Withdrawn) A composite particle as recited in claim 109, further comprising a hollow core, the absorbent material being coupled to the core.

135. (Withdrawn) A composite particle as recited in claim 109, further comprising a core, the absorbent material at least partially surrounding the core in the form of a shell, wherein an average thickness of the shell is at least about four times an average diameter of the core.

136. (Withdrawn) A composite particle as recited in claim 109, further comprising a core, the absorbent material at least partially surrounding the core in the form of a shell, wherein an average thickness of the shell is between about 1 and about 4 times an average diameter of the core.

137. (Withdrawn) A composite particle as recited in claim 109, further comprising a core, the absorbent material at least partially surrounding the core in the form of a shell, wherein an average thickness of the shell is less than an average diameter of the core.

138. (Withdrawn) A composite particle as recited in claim 109, further comprising a core, the absorbent material at least partially surrounding the core in the form of a shell, wherein an average thickness of the shell is less than about one-half an average diameter of the core.

139. (Withdrawn) A composite particle as recited in claim 109, further comprising a heavy core comprised of a material having a density higher than a density of the absorbent material, the absorbent material being coupled to the core.

140. (Withdrawn) A composite particle as recited in claim 109, further comprising a lightweight core comprised of a material having a density lower than a density of the absorbent material, the absorbent material being coupled to the core.

141. (Withdrawn) A composite particle as recited in claim 109, further comprising a core comprised of a pH-altering material, the absorbent material being coupled to the core.

142. (Withdrawn) A composite particle as recited in claim 109, wherein the particle has a bulk density of less than about 90% of a bulk density of a generally solid particle containing the absorbent material alone.

143. (Withdrawn) A composite particle as recited in claim 109, wherein the particle has a bulk density of less than about 70% of a bulk density of a generally solid particle containing the absorbent material alone.

144. (Withdrawn) A composite particle as recited in claim 109, wherein the particle has a bulk density of less than about 50% of a bulk density of a generally solid particle containing the absorbent material alone.

145. (Withdrawn) A composite particle as recited in claim 109, further comprising multiple cores, the absorbent material being coupled to the cores.

146. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has a hydraulic conductivity value of about 0.25 cm/s or less.

147. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle exhibits reduced sticking to a container in which the composite particle rests when the particle is wetted relative to a generally solid particle under substantially similar conditions.

148. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has a moisture content of less than about 25% by weight based on a weight of the composite particle.

149. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has a moisture content of less than about 15% by weight based on a weight of the composite particle.

150. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has a moisture content of less than about 10% by weight based on a weight of the composite particle.

151. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle is capable of absorbing a weight of water equaling at least about 90 percent of a weight of the composite particle.

152. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle is capable of absorbing a weight of water equaling at least about 75 percent of a weight of the composite particle.

153. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle is capable of absorbing a weight of water equaling at least about 50 percent of a weight of the composite particle.

154. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has a dusting attrition value of at most about 15% as measured by ASTM method E-728 Standard Test Method for Resistance to Attrition of Granular Carriers and Granular Pesticides.

155. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has a malodor rating below about 15 as determined by a Malodor Sensory Method.

156. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle exhibits noticeably less odor after four days from contamination with animal waste as compared to a generally solid particle of the absorbent material alone under substantially similar conditions.

157. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has been formed by an agglomeration process.

158. (Withdrawn) A composite particle as recited in claim 157, wherein the agglomeration process is a pan agglomeration process.

159. (Withdrawn) A composite particle as recited in claim 159, wherein the agglomeration process is at least one of a high shear agglomeration process, a low shear agglomeration process, a high pressure agglomeration process, a low pressure agglomeration process, a rotary drum agglomeration process, a fluid bed agglomeration



process, a mix muller process, a roll press compaction process, a pin mixer process, a batch tumble blending mixer process, an extrusion process and a fluid bed process.

160. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has a bulk density of about 1.5 grams per cubic centimeter or less.

161. (Withdrawn) A composite particle as recited in claim 109, wherein the composite particle has a bulk density of 0.85 grams per cubic centimeter or less

162. (Withdrawn) A composite particle as recited in claim 161, wherein the composite particle has a bulk density of between about 0.25 and 0.85 grams per cubic centimeter .

163. (Withdrawn) A composite particle as recited in claim 109, wherein the particle has a liquid absorbing capability of from about 0.6 to about 2.5 liters of water per kilogram of particles.

164. (Withdrawn) A composite particle as recited in claim 109, wherein the particle is used in at least one of an animal litter product, a laundry product, a home care product, a water filtration product, an air filtration product, a fertilizer product, an iron ore pelletizing product, a pharmaceutical product, an agricultural product, a waste and landfill remediation product, a bioremediation product, and an insecticide product.

165. (Withdrawn) Multiple composite particles as recited in claim 109, wherein substantially each particle includes the active.

166. (Withdrawn) Multiple composite particles as recited in claim 109, wherein substantially each particle includes multiple actives.

167. (Withdrawn) Multiple composite particles as recited in claim 109, wherein some of the particles include a first active, and other particles contain a second active, the second active being different than the first active.

168. (Withdrawn) Multiple composite particles as recited in claim 109, wherein at least about 80% of the particles are retained in a clump upon addition of an aqueous solution.

169. (Withdrawn) Multiple composite particles as recited in claim 109, wherein at least about 90% of the particles are retained in a clump upon addition of an aqueous solution.

170. (Withdrawn) Multiple composite particles as recited in claim 109, wherein at least about 95% of the particles are retained in a clump after 6 hours upon addition of 10 ml of cat urine.

171. (Withdrawn) Composite particles having improved clumping characteristics, comprising:

granules of an absorbent material formed into particles, each particle having areas of more-water-soluble absorbent material and less-water-soluble absorbent material relative to each other, the areas of more-water-soluble absorbent material being capable of dislodging from the associated particle when wetted and becoming entrained between adjacent particles, the entrained absorbent material forming a bond between the adjacent particles.

172. (Withdrawn) Composite particles as recited in claim 171, wherein the absorbent material is sodium bentonite having a mean particle diameter of about 1000 microns or less.

173. (Withdrawn) Composite particles as recited in claim 172, wherein the sodium bentonite has a mean particle diameter in the range of about 25 to about 150 microns.

174. (Withdrawn) Composite particles as recited in claim 171, further comprising a performance-enhancing active, wherein the performance-enhancing active includes at least one of an antimicrobial, an odor reducing material, a binder, a fragrance, a health indicating material, a color altering agent, a dust reducing agent, a nonstick release agent, a superabsorbent material, cyclodextrin, zeolite, activated carbon, a pH altering agent, a salt forming material, a ricinoleate and mixtures thereof.

175. (Withdrawn) Composite particles as recited in claim 171, wherein a performance-enhancing additive is sprayed onto the particles.

176. (Withdrawn) Composite particles as recited in claim 171, wherein granules of a performance-enhancing additive is dry-blended with the particles, with or without addition of a binder.

177. (Withdrawn) Composite particles having improved odor reducing characteristics, comprising:

granules of an absorbent material; and

granules of an odor reducing active added to the absorbent material;

wherein pores are formed between the granules of the absorbent material such that at least some of the granules of the odor reducing active positioned towards a center of the particle are in fluid or gaseous communication with an outer atmosphere surrounding the particle.

178. (Withdrawn) A composite particle as recited in claim 177, wherein the odor reducing active is activated carbon.

179. (Withdrawn) A composite particle as recited in claim 178, wherein the activated carbon is present in about 5 weight percent or less based on a weight of the composite particle.

180. (Withdrawn) A composite particle as recited in claim 178, wherein the activated carbon is present in about 1 weight percent or less based on a weight of the composite particle.

181. (Withdrawn) A composite particle as recited in claim 178, wherein the activated carbon has a mean particle diameter of about 500 microns or less.

182. (Withdrawn) A composite particle as recited in claim 178, wherein the activated carbon has a mean particle diameter in the range of about 25 to 150 microns.

183. (Withdrawn) A composite particle as recited in claim 177, wherein the odor reducing active comprising a water soluble metal salt selected from a group consisting of: silver, copper, zinc, iron, and aluminum salts and mixtures thereof.

184. (Withdrawn) An animal litter, comprising:  
an absorbent material formed into a particle;  
activated carbon added to the absorbent material; and  
optionally at least one other performance-enhancing active added to the absorbent material.

185. (Withdrawn) The animal litter as recited in claim 184, wherein the activated carbon is present in about 1 weight percent or less based on a weight of the animal litter.

186. (Currently Amended) A plurality of composite particles comprising:  
a mixture of bentonite ~~and~~, expanded perlite and activated carbon formed into a plurality of homogeneously agglomerated composite particles suitable for use as an animal litter, wherein substantially each homogeneously agglomerated composite particle contains a percentage of bentonite ~~and~~, a percentage of expanded perlite and a percentage of activated carbon,

wherein the clump strength, an indication of the percentage of particles retained in a clump after six hours upon addition of an aqueous solution, is greater than 90%.

187. (Cancelled)

188. (Cancelled)

189. (Currently Amended) The plurality of composite particles recited in claim ~~187~~186, wherein the activated carbon is powdered activated carbon (PAC).

190. (Currently Amended) The plurality of composite particles as recited in claim ~~187~~189, wherein the activated carbon is present in about 5 weight percent or less.

191. (Previously Presented) The plurality of composite particles as recited in claim 186, wherein said homogeneously agglomerated composite particles range in size from 100  $\mu\text{m}$  to 10 mm.

192. (Previously Presented) The plurality of composite particles as recited in claim 186, wherein said homogeneously agglomerated composite particles range in size from 400-1650  $\mu\text{m}$ .

193. (Cancelled)

194. (Cancelled)

195. (Currently Amended) The plurality of composite particles as recited in claim 186, wherein said homogeneously agglomerated composite particles have ~~having~~ a bulk density ~~between 0.35-~~ less than 0.5 g/cc.

196. (Cancelled)

197. (Currently Amended) The plurality of composite particles recited in claim 186, further comprising at least one of an antimicrobial, an odor control boron-containing material, a binder, a fragrance, a health ~~increasing~~indicating material, a color altering agent, a dust reducing agent, a nonstick release agent, a superabsorbent material, cyclodextrin, zeolite, a pH altering agent, a salt forming material, a ricinolate and mixtures thereof.

198. (New) The plurality of composite particles recited in claim 186, wherein the composite particles have a moisture content of less than about 15% by weight based on a weight of the composite particle.

199. (New) The plurality of composite particles recited in claim 186, wherein the composite particles have a moisture content of less than about 10% by weight based on a weight of the composite particle.

200. (New) The plurality of composite particles recited in claim 186, wherein the plurality of homogeneously agglomerated composite particles have a hydraulic conductivity value of about 0.25 cm/s or less.

201. (New) The plurality of composite particles recited in claim 186, wherein the composite particle is capable of absorbing a weight of water equaling at least about 90 percent of a weight of the composite particle.

202. (New) The plurality of composite particles recited in claim 201, wherein the composite particle is capable of absorbing a weight of water equaling at least about 75 percent of a weight of the composite particle

203. (New) The plurality of composite particles recited in claim 186. wherein the composite particles have a dusting attrition value of at most about 15% as measured by

ASTM method E- 728 Standard Test Method for Resistance to Attrition of Granular Carriers and Granular Pesticides.

204. (New) The plurality of composite particles recited in claim 186, wherein the composite particles have a malodor rating below about 15 as determined by a Malodor Sensory Method.

205. (New) The plurality of composite particles recited in claim 186, wherein the clump strength is greater than 95%.

206. (New) A process for making the plurality of composite particles recited in claim 186, comprising:

- adding granules of bentonite and expanded perlite to an agglomerator, wherein the granules of bentonite and expanded perlite each have a particle size smaller than about 1000 microns;

- adding granules of an activated carbon to the agglomerator;

- adding water to the agglomerator; and

- agglomerating the mixture of bentonite, expanded perlite, activated carbon and water to form a plurality of homogeneously agglomerated composite particles of bentonite, expanded perlite, and activated carbon.

207. (New) The process as recited in claim 206, wherein the agglomeration process is at least one of a pan agglomeration, a high shear agglomeration process, a low shear agglomeration process, a high pressure agglomeration process, a low pressure agglomeration process, a rotary drum agglomeration process, a fluid bed agglomeration process, a mix muller process, a roll press compaction process, a pin mixer process, a batch tumble blending mixer process, an extrusion process and a fluid bed process.

208. (New) The process as recited in claim 206, further comprising adding granules of at least one of an odor control boron-containing material, an antimicrobial, a binder, a

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fragrance, a health indicating material, a color altering agent, a dust reducing agent, a nonstick release agent, a superabsorbent material, cyclodextrin, zeolite, activated carbon, a pH altering agent, a salt forming material, a ricinolate and mixtures thereof.



## REMARKS

### *Status of Claims*

Reconsideration of the present application as amended, and in view of the following remarks, is respectfully requested.

Independent claim 186 and dependent claims 189 to 192, 195, and 197 to 208 are currently pending.

Claims 186, 189, 190, 195 and 197 have been amended. Claim 186 (and new claim 205) has been amended to include "clump strength". Support for "clump strength" subject matter can be found in the specification from paragraphs [0082] to [0083].

New claims 198 to 204 and 206 to 208 have been added, and find support in the claims as originally filed.

While not acquiescing to the Office Action's position, and solely in an effort to expedite prosecution of the application, Applicants have cancelled claims 187, 188, 193, 194, and 196 without prejudice.

Claims 109-185 are withdrawn.

Applicants respectfully submit that no new matter has been added by virtue of the present amendment.

### *Summary of the Office Action*

Claim 196 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 186, 187, 191-194 and 197 are rejected under 35 U.S.C. 102(b) as anticipated by US Patent 5,638,770 (Peleties). Claim 195 is rejected under 35 U.S.C. 103(a) as obvious over US Patent 5,638,770 (Peleties). Claims 188-190 are rejected under 35 U.S.C. 103(a) as obvious over US Patent 5,638,770 (Peleties) in view of US Patent Application Publication US2002/0046710 (Preti et al.).

### *Amendments to the Claims*

Claim 187 and 188 are cancelled, and claim 186 is amended to include the subject matter, i.e., the inclusion of activated carbon to the composite particles such that each homogeneously agglomerated composite particle contains a percentage of bentonite,

a percentage of expanded perlite and a percentage of activated carbon.

Claims 193 and 194 have been cancelled because of the amendment to claim 195 wherein the homogeneously agglomerated composite particles have a bulk density less than 0.5 g/cc.

Claim 196 is cancelled without prejudice in response to the rejection under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

#### *Rejection Under 102*

The Office Action at page 4, contends that Peleties discloses a particle of bentonite clay and expanded perlite further comprising at least one performance-enhancing active inclusive of an odor absorbent. However, Applicants respectfully submit that the relied-upon embodiment merely discloses the inclusion of an odor absorbent in reference to a bentonite clay and expanded perlite mixture, not a litter composition comprising an agglomerated mixture of bentonite clay and expanded perlite. (See Peleties column 1, lines 46-65)

Applicants respectfully contend that Peleties fails to teach or suggest a plurality of composite particles wherein substantially each particle contains a percentage of bentonite, a percentage of expanded perlite and a percentage of activated carbon for use as an animal litter wherein the clump strength, an indication of the percentage of particles retained in a clump after six hours upon addition of an aqueous solution is greater than 90%.

The Office Action at page 5, incorrectly contends that Peleties discloses the particles have a bulk density less than 1.5g/cc and more particularly 0.25-0.85 g/cc (column 1, line 56). However, Applicants respectfully contend that Peleties actually discloses that a mixture of bentonite clay and expanded perlite can be arranged to have a bulk density of 650-950 Kg/cubic metre (0.65 to 0.96 g/cc) and not a bulk density less than 1.5g/cc and more particularly 0.25-0.85 g/cc as alleged by the Examiner.

Therefore, it is respectfully submitted that Peleties fails anticipate Applicants' claimed invention. Since claims 191, 192, and 197 ultimately depend from claim 186 it is respectfully submitted that these claims are not anticipated by Peleties either.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the 35U.S.C. §102(b) rejection.

*Rejections Under 103*

The Office Action, at page 5, rejects claim 195 under 35 U.S.C. 103(a) as obvious over Peleties. Claim 195 is now directed towards a plurality of composite particles having a bulk density less than 0.5 g/cc.

Applicants respectfully contend that since Peleties only teaches particles having a bulk density between 0.65-0.95 g/cc (col. 1, line 56) and that Peleties further teaches that particles having a bulk density between 0.65-0.95 g/cc are advantageous as pet litter in terms of cost effectiveness and efficiency of use (col. 1, lines 57-59), one of ordinary skill in the art would not be motivated to experiment with these conditions since Peleties already teaches that the advantageous range is 0.65 to 0.95 g/CC.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of this 35 U.S.C. §103 (a) rejection.

The Office Action, at page 6, rejects claim, 188-190 under 35 U.S.C..103(a) as obvious over Peleties in view of Preti at alt. The Examiner notes Peleties fails to disclose powdered activated carbon (PAC) in the litter. As discussed above, it is submitted that claim 186 is patentable over Peleties. Thus, since claims 188-190 ultimately depend from claim 186, it is respectfully submitted that they too are patentable over Peleties.

Applicants also contend that Preti et al disclose adding effective amounts of odor reducing agent (PAC) and a cross-adapting agent (ethylesters of 3M2H) to swine slurries, and that the use of PAC without a cross-adapting agent did not work sufficiently. (See Preti et al [0044], [0046-0050] and claims 1, 2 and 5.) Applicants contend that neither Peleties nor Preti et al. either alone, or in combination, teach, hint, or suggest a motivation as to why one would modify Peleties' pet litter mixture of bentonite and expanded perlite with Preti et al.'s swine slurry odor treatment comprising an odor reducing agent (PAC) cross-adapting agent (ethylesters of 3M2H).

Accordingly. Applicants respectfully request the reconsideration and withdrawal of this 35 U.S.C. §103 (a) rejection.

*Provisional Double Patenting Rejection*

Claims 186-197 are provisionally rejected on the grounds of nonstatutory obviousness double patenting as being unpatentable over claims 1-41 of copending Application No.10/861,044.

Upon allowance of the claims, Applicants will consider filing a Terminal Disclaimer.

*Interview With the Examiner*

Applicants want to thank Examiner Smith for granting an interview at the USPTO on April 28, 2006. Applicants greatly appreciated Examiner Smith's courtesies extended during the interview, wherein she helpfully made suggestions pertaining to potential claims directed towards agglomeration, and discussed potential particle bulk density ranges in overcoming Peleties.

*Prior art made of record and not relied upon*

Applicants acknowledge the prior art made of record and not relied upon in Office Action directed towards Lawson, US 5,295,456 and Lawson US 5,303,676.

*Conclusion*

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney. An early and favorable consideration of this Response is earnestly and respectfully solicited.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this response, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due to Deposit Account No. 03-2270.

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However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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